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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,289	07/27/2001	Martin W. Frash	55892 (71850)	8099

7590

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EXAMINER

ELKASSABGI, HEBA

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,289

Applicant(s)

FRASH ET AL.

Examiner

Heba Elkassabgi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☒ Claim(s) 17-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

Response to Applicants remarks in regards to Restriction of Group I (Claims 1-16) and Group II (Claims 17-27).

Applicant states that the restriction is not clear as to how Groups I and II satisfy the criteria for restricting on the basis of "Product of Making and Product of Made." The process of the method claims can be used to make other and material ably different product such as magnetic bearing wherein a magnetic bearing assembly having a permanent magnet rotor with the permanent magnet being positioned along the rotor and a shield to cover the proximal end of the magnet to reduce magnetic field leakage between the proximal end of the magnet and the stator by using the method of positioning the permanent magnet and covering the proximal end of the magnet with a motor shield. Also the rotor can be embodied in a magnetic sensor, as stated before in the previous office action Restriction is final and proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Patent 6320288).

Suzuki et al. Illustrates in Figures 1 and 2 a motor having a stator (21 and 22) with a rotor (R) having an end that is proximate the stator (21 and 22), and that the rotor (R) rotates about an axis (A). Furthermore, the rotor (R) has a magnet (9) that is positioned along a length of the rotor (R) and a proximal end of the magnet is positioned near the stator (21 and 22), in which a shield ring (30) covers a proximal end of the magnet (9).

In regards to Claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose a suitable material for the shield, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U. S. Patent 6320288) and Hill (U.S. Patent 6369483).

Suzuki et al. illustrates in Figures 1 and 2 a motor having a stator (21 and 22) with a rotor (R) having an end that is proximate the stator (21 and 22), and that the rotor (R) rotates about an axis (A). Furthermore, the rotor (R) has a magnet (9) that is positioned along a length of the rotor (R) and a proximal end of the magnet is positioned near the stator (21 and 22), in which a shield ring (30) covers a proximal end of the magnet (9).

Hill discloses in Figures 1-5, a rotor (11) that extends around the coils and stator (14), in which the stator poles (1) have a grooves (3 and 7) for receiving and arranging a coil (5) in the grooves (3 and 7), the grooves of the stator poles is to track the conductor wire in a defined manner.

It would have been obvious to combine the motor structure of Suzuki et al. with the feature of the grooves about the stator poles and the coil that are disclosed in Hill, so that the conductor wire is tracked in a defined manner.

Allowable Subject Matter

Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In regards to claim 6 prior art does not disclose a shield that is comprises of a cup shape that extends around the proximal end of the magnet. In regards to claim 7 and dependent claim 8, the prior art does not indicate a shield that is snap-fit ring. In regards to claim 9 and dependent claim 10, the prior art does not indicate a first rotor section that is positioned radially inside the second rotor section relative to the rotor axis.

Claims 11-16 are allowed. The following is a statement of reasons for the indication of allowable subject matter: In regards to independent claims 11 and 16, the prior art does not disclose a stator having a coil in which the stator has a cut-out section to receive the coil and that the coil is suspended in the cut-out section of the stator. In regards to claims 12 -15 are allowable for being dependent to allowable independent claim 11.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-2723. The examiner can normally be reached on M-Th (6:30-3:30), and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

H. Elkassabgi
February 22, 2003


NESTOR RAMIREZ
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